

## REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 18, 1943

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, February 18, 1943, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The Minutes of the Regular Meeting and the Recessed Meeting of February 11, 1943, were read; and upon motion of Councilman Bartholomew were adopted as read, by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Acting City Manager Seaholm submitted to the Council for approval; the appointment of J. M. Patterson, Jr., as Acting City Attorney, to succeed Gibson R. Randle, who is leaving to enter the United States Naval Training School. Councilman Bartholomew moved that the appointment of the said J. M. Patterson, Jr., as Acting City Attorney, be approved. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

Councilman Gillis offered the following resolution:

## (RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager, or in his absence, the Acting City Manager, be, and he is hereby, authorized and directed to (1) execute for and in behalf of the City of Austin a warranty deed to Ben H. Powell, conveying 1.78 acres of land out of the Isaac Decker League of the City of Austin, and being located north of the Butler Road and west of the Lamar Boulevard, for a total consideration of \$10,000.00, all substantially in accordance with the terms and conditions of the warranty deed attached hereto and made a part hereof for all purposes; and (2) to acknowledge receipt of all payments upon said consideration and interest due thereon; and (3) to execute for and in behalf of the City of Austin, upon full payment of said consideration and interest, a full release of the vendor's lien retained in said deed.

## (ATTACHED DEED)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS;

COUNTY OF TRAVIS :

THAT the City of Austin, a municipal corporation situated in the County of Travis, State of Texas, acting by and through its Acting City Manager, Walter E. Seaholm, duly authorized by the City Council of said City, by resolution duly passed, for and in consideration of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) cash to it in hand paid by BEN H. POWELL of Travis County, Texas, receipt of which is hereby acknowledged, and NINE THOUSAND & NO/100 DOLLARS (\$9,000.00), evidenced by a series of nine (9) vendor's lien notes, numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9, each of even date herewith, executed by BEN H. POWELL of Travis County, Texas, and payable to the CITY OF AUSTIN or order, each bearing interest from date until paid at the rate of five per cent (5%) per annum, interest payable semi-annually; note No. 1 plus interest being due and payable on or before August \_\_\_\_, 1943, and one of said series of nine notes with all interest due thereon, in numerical order, being due and payable on or before each six months thereafter until all of said series of nine notes with all interest and attorney's fees due thereon are fully paid.

To secure the full payment of said notes, principal, interest, and attorney's fees, a vendor's lien is hereby reserved and retained on the hereinafter described property, have SOLD, GRANTED and CONVEYED, and by these presents do SELL, GRANT, and CONVEY unto the said BEN H. POWELL all that certain lot, tract, or parcel of land being a portion of the Isaac Decker League in Travis County, City of Austin, Texas, and being out of these certain tracts or parcels of land conveyed to the City of Austin by the following two deeds of conveyance: (1) by Henry Faggi by deed dated December 6, 1940, recorded in Vol. 660, pages 261-263, Deed Records of Travis County, Texas, and (2) by John F. Butler, et al., by deed dated June 28, 1941, recorded in Vol. 681, pages 199-203, Deed Records of Travis County, Texas, and more particularly described as follows:

BEGINNING at an iron stake on the north line of Butler Road which is the southwest corner of that 0.589 of one acre tract of land which was conveyed by Henry Faggi to the City of Austin, Texas, in accordance with a deed which is recorded in Travis County Deed Records in Book 660, Pages 261-263, said stake being also the southeast corner of that 33.7 acre tract of land which was described as Tract #4 in a deed from

John F. Butler, et al., to the City of Austin as recorded in Travis County Deed Records in Book 651, Pages 191-203, said stake being also on the east line of that 10-acre tract of land which was conveyed by S. E. Goodrich to R. S. Rust in accordance with a deed which is recorded in Travis County Deed Records in Book "V", Page 333, and being about 7 varas (19.44 feet) N. 30° E. from its southeast corner; and from which stake a north-east corner of the Mrs. Lucy Davis 49 acre Tract #3 and the southeast corner of the Mrs. Fannie Boardman Tract #2 on the west line of the S. E. Goodrich 46 acre Tract #1, all as set forth by a decree of the Travis County District Court in the subdivision of the S. W. Goodrich Estate, in Cause #2995, and recorded in District Court Minute Book J, Pages 364-368, bears N. 60° 04' W. 260.34 varas (723.17 feet) and N. 29° 56' E. 101.04 varas (280.67 feet); and an iron stake which is on the east line of the aforementioned Rust Tract of land and which is on the west line of that 7.95 acre tract of land which was conveyed by S. W. Goodrich to George B. Zimpleman, et al., in accordance with a deed which is recorded in Travis County Deed Records in Book "R", Page 221, and which is the northwest corner of that 0.589 of one acre tract of land which was conveyed as Tract #2 to the City of Austin, Texas, by Henry Faggi in accordance with a deed which is recorded in Book 660, Pages 261-263, bears N. 29° 58' E. 475.2 feet;

THENCE with the north line of Butler Road N. 60° 04' W. 240.05 feet to an iron stake, and from which iron stake another iron stake at the intersection of the west line of Jessie Street with the North line of the Butler Road bears N. 60° 04' W. 50 feet;

THENCE N. 29° 52' E. 245.28 feet to an iron stake;

THENCE S. 60° 04' E. crossing the line between the Rust and Zimpleman tracts of land, in all 291.82 feet to an iron stake on the west line of Lamar Boulevard, and from which stake an angle point in the west line of Lamar Boulevard bears N. 18° 47' E. 96.18 feet;

THENCE along the east line of said 0.589 of one acre tract of land and the west line of Lamar Boulevard S. 18° 47' W. 250 feet to a solid iron stake set at the intersection of the north line of Butler Road with the west line of Lamar Boulevard, and from which stake a pecan 29" in diameter marked X bears N. 45° W. 2.83 feet;

THENCE with the north line of Butler Road and with the south line of the aforementioned 0.589 of one acre tract of land N. 60° 04' W. 99.68 feet to the place of the beginning containing 1.78 acres of land, according to survey made by Orin E. Metcalfe, Civil Engineer, on October 24, 1942.

TO HAVE AND TO HOLD the above described tract of land, together with all and singular the rights and appurtenances thereunto belonging unto the said Ben H. Powell, his heirs and assigns forever, and the City of Austin does hereby bind itself and its successors to WARRANT and FOREVER DEFEND all and singular the said premises unto the said Ben H. Powell, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

The above described lot, tract, or parcel of land is conveyed subject to the following covenants and restrictions, to-wit: That no spiritous, vinous, or malt liquors, or other intoxicating beverages shall ever be sold or offered for sale upon the premises hereby conveyed or any part thereof. This restriction shall be a covenant running with the land hereby conveyed. In the event of a breach thereof the same may be enforced by the City of Austin, its successors or assigns, by injunction or other legal or equitable remedy in any court of competent jurisdiction.

WITNESS THE HAND of the CITY OF AUSTIN by Walter E. Seaholm, its Acting City Manager, duly authorized by the City Council of said City by its resolution duly passed, attested by the City Clerk, with the seal of the City of Austin affixed, this the \_\_\_\_ day of February, 1943.

ATTEST:

CITY OF AUSTIN  
By  
Acting City Manager

CITY CLERK

(Notary Acknowledgment by  
Walter E. Seaholm, Acting City Manager)

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote:

"Ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Elias Owens, 1120 West 6th Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of James Leslie Roberts, colored, 1012 East 1st Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of Charles William Briscoe, 413 West Mary Street, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The application of James Edgar Niemtachk, 3201 Rosewood Avenue, for a taxicab driver's permit, duly approved by the Acting City Manager, et al., was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis,

and Mayor Miller; "nays," none; Councilman Wolf absent.

Mrs. F. R. Arnham, representing the Owl Taxicab Company, appealed to the City Council to assist said Company in obtaining permission from the Office of Defense Transportation for additional taxicabs as a war necessity. The matter was taken under advisement.

The Acting City Manager was instructed to have a resolution prepared, for presentation at the next regular meeting, making effective summer water rates as of April 1, 1943.

Upon motion, duly seconded and carried, the meeting was thereupon recessed at 11:35 A. M., subject to call of the Mayor.

APPROVED,

*Tom Miller*  
MAYOR

ATTEST:

*Hallie M. Keller*  
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 25, 1943

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on Thursday, February 25, 1943, at 10:45 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; absent, Councilman Wolf.

There were present also: Walter E. Seaholm, Acting City Manager; J. E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R. D. Thorp, Chief of Police.

The Minutes of the Regular Meeting of February 18, 1943, were read, and upon motion of Councilman Alford were adopted as read by the following vote: "ayes," Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; "nays," none; Councilman Wolf absent.

The request of the Junior Chamber of Commerce, as submitted by H. T. Hibler, for use of the east side of Congress Avenue from the American National Bank to the bus stop, in connection with their campaign for the sale of Defense Savings Bonds on Independence Day, March 2, was received; and it was the sense of the meeting that the request be granted.

The following resolution was offered by Councilman Bartholomew: